

Chapter 6 - ANIMALS AND FOWL<sup>1</sup>

Footnotes:

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**Editor's note**—Sections 1—14 of an ordinance adopted by the city on May 3, 1993, enacted provisions for the control, care and maintenance of animals within the city limits. The provisions of such ordinance have been treated by the editor as superseding provisions previously codified as Ch. 6, and have been designated herein as Arts. I and II, §§ 6-1—6-18 and 6-31. Formerly, Ch. 6 consisted of Arts. I—III, §§ 6-1—6-10, 6-31—6-34, 6-56—6-60 and derived from the following: Code of 1966; Ord. of 1-15-79, § 1; Ord. of 10-1-84, § 1; and Ord. of 1-6-86, § 1.

**Cross reference**— Health and sanitation, Ch. 16; offenses and miscellaneous provisions, Ch. 21; applicability of traffic chapter to persons riding animals or driving animal-drawn vehicles, § 20-6; offenses and miscellaneous provisions, Ch. 21.

**State Law reference**— General stock law, Miss. Code 1972, §§ 69-13-1, 69-13-15 et seq.; general provisions regarding cruelty to animals, §§ 97-41-1—97-41-15.

## ARTICLE I. - IN GENERAL

## Sec. 6-1. - Definitions.

As used in this chapter, the following terms are defined below:

**Animal:** Every nonhuman species of animal, both domestic and wild.

**Animal-at-large:** Any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

**Humane officer or animal control officer:** Any person designated by the State of Mississippi, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.

**Owner:** Any person, partnership, or corporation owning, keeping, or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

**Pet or companion animal:** Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

**Public nuisance:** Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- (1) Is found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Chases vehicles;

- (5) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (6) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- (7) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (8) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;
- (9) Attacks other domestic animals; or
- (10) Has been found by the board of mayor and aldermen, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare and safety.

**Restraint:** Any animal, except a vicious animal, secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

**Veterinary hospital:** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

**Vicious animal:** Any animal that attacks, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals, including, but not limited to, any dog which is entirely or partially comprised of the following breeds: American Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier, any animal commonly known as a Pit Bull, or Rottweiler.

**Wild animal:** Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild and captive-bred species of common cage birds.

(Ord. of 5-3-93, § 1; Ord. of 7-18-95, § 1; Ord. of 6-19-07, § 1; Ord. of 9-18-07, § 1)

Secs. 6-2—6-4. - Reserved.

**Editor's note**— Sections 2—4 of an ordinance adopted July 18, 1995, repealed §§ 6-2—6-4 in their entirety. Formerly, such sections pertained to licensing and permits and derived from §§ 3—5 of an ordinance adopted May 3, 1993.

Sec. 6-5. - When animals to be restrained, confined, muzzled, etc.

- (a) All dogs shall be kept under restraint by their owners.
- (b) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- (c) Every female dog or cat in heat shall be confined by its owner in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for a planned breeding.
- (d) Every vicious animal, as defined herein, shall be confined by the owner within a building or secure enclosure. Such enclosure must have secure sides and a secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded in the ground no less than two (2) feet. All vicious animals shall be securely muzzled or caged whenever off the premises of the owner.

- (e) No vicious animal may be kept, by its owner or any other person, on a porch or patio or any part of a house or structure when the windows are open or when screen windows or doors are the only obstacle preventing the animal from existing the structure.
- (f) All owners, harborers, or keepers of vicious animals within the city limits shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware Of Dog". In addition, a similar sign shall be placed on the kennel or pen of such animal.

(Ord. of 5-3-93, § 7; Ord. of 7-18-95, § 6; Ord. of 6-19-07, § 2; Ord. of 9-18-07, § 2)

**Sec. 6-5.1. - Additional responsibility of owners of vicious animals.**

All owners of vicious animals, as defined herein shall be required to maintain an insurance policy in the amount of at least twenty-five thousand dollars (\$25,000.00), issued by an insurer authorized to transact business in this state, insuring the owner of the vicious animal against liability for any personal injuries inflicted by the vicious animal or a surety bond in the amount of twenty-five thousand dollars (\$25,000.00) or more, issued by a surety company authorized to transact business in this state, payable to any person or persons injured by the vicious animals.

(Ord. of 6-19-07, § 3)

**Sec. 6-5.2. - Licensing, registration and permits.**

- (a) No vicious animal, as defined herein, may be owned, harbored or kept within the city without the owner or person in possession or control of the animal first obtaining a license or permit from the chief of police or his designee. All application for such license or permit shall include the name and address of the owner, the address at which the animal will be located or confined, a description of all measures to be taken to secure the animal, a complete description of the animal, including type of animal, sex, color and any other distinguishing marks, and a photograph of the animal.
- (b) Persons owning or in possession or control of a vicious animal(s) shall upon the birth, death or transfer of such animal(s) report such fact to the city within fourteen (14) days of the event. A separate license or permit shall be issued for each vicious animal. Within fourteen (14) days after the transfer of any vicious animal, a statement shall be filed with a chief of police or his designee stating the name and address of the person to whom the animal is sold or transferred and the address at which the animal is to be located, if known.
- (c) The application for such license or permit must be signed and dated by the owner of the vicious animal. The owner must sign a statement attesting to the fact that all provisions of this chapter have been and will be complied with in their entirety, and that the city shall be notified immediately of any attack or other violation of this chapter by such animal in his possession or control.
- (d) The board of mayor and alderman may establish fees for issuance of the license or permit. The fees may apply to the initial issuance of such license or permit and any required renewals, at the discretion of the board of mayor and alderman.
- (e) Any license or permit issued pursuant to this section shall be revocable upon any noncompliance with any of the terms of this chapter by any person owning or in possession or control of a vicious animal.

(Ord. of 6-19-07, § 4)

**Sec. 6-6. - Impoundment and redemption.**

- (a) Unrestrained dogs, vicious animals not restrained, confined, muzzled, etc. in accordance with this ordinance, and nuisance animals shall be taken to the police officer, animal control officers, or humane officers, and impounded in an animal shelter and there confined in a humane manner.
- (b) Impounded animals shall be kept for not fewer than five (5) working days.

- (c) If, by a tag or other means, the owner of an impounded animal can be identified, an animal control officer shall immediately upon impoundment notify the owner by telephone or certified mail.
- (d) An owner reclaiming an impounded animal shall pay a fee of ten dollars (\$10.00) and three dollars (\$3.00) for each day the animal has been impounded. Subsequent impoundments occurring within twelve (12) months are charged a fee of twenty-five dollars (\$25.00), plus three dollars (\$3.00) for each day the animal is impounded. Owners of vicious animals will only be allowed to reclaim an impounded animal after showing they are in complete compliance with this ordinance. Owners of a vicious animal will be subject to the same fees listed above when reclaiming their animal.
- (e) Any animal not reclaimed by its owner within five (5) working days shall become the property of the local government authority or humane society and shall be placed for adoption in a suitable home or humanely euthanized by sodium pentobarbital, FP-3, or cooled and bottled carbon monoxide only.
- (f) The owner of an impounded animal may also be proceeded against for violation of this chapter.
- (g) The shelter director shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded at the shelter.

(Ord. of 5-3-93, § 7; Ord. of 7-18-95, § 6; Ord. of 6-19-07, § 5; Ord. of 9-18-07, § 3)

Sec. 6-7. - Care and treatment of animals—Generally.

No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(Ord. of 5-3-93, § 8(a))

Sec. 6-8. - Same—Abuse, abandonment prohibited.

- (a) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- (b) No owner of an animal shall abandon such animal.

(Ord. of 5-3-93, § 8(b), (c))

Sec. 6-9. - Same—Cropping, docking ears or tails, etc.

No person shall crop a dog's ears or dock a dog's tail, except a licensed veterinarian. No surgery shall be performed upon any dog, cat, bird or horse except by a licensed veterinarian.

(Ord. of 5-3-93, § 8(d))

Sec. 6-10. - Same—Sale of baby chicks, ducklings and rabbits.

Chickens, ducklings, or rabbits younger than eight (8) weeks of age may not be sold in quantities of fewer than twenty-five (25) to a single purchaser.

(Ord. of 5-3-93, § 8(e))

Sec. 6-11. - Same—Responsibility of driver if motor vehicle strikes domestic animal.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

Sec. 6-12. - Same—Exposure to poisonous substances.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall [not] be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance.

(Ord. of 5-3-93, § 8(g))

Sec. 6-13. - Keeping of wild animals.

- (a) No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to AAZPA accredited facilities.
- (b) No person shall keep or permit to be kept any wild animal as a pet unless a valid state wildlife permit is held.
- (c) The licensing authority shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.

(Ord. of 5-3-93, § 9)

Sec. 6-14. - Performing animal exhibitions.

- (a) No person may sponsor, promote, train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in any manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.
- (b) All equipment used on a performing animal shall fit properly and be in good working condition.

(Ord. of 5-3-93, § 10)

Sec. 6-15. - Animal waste.

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property.

(Ord. of 5-3-93, § 11)

Sec. 6-16. - Vaccination prerequisite to adoption.

No unclaimed dog or cat shall be released for adoption without being vaccinated by a licensed veterinarian, with proof of vaccination being provided to the animal control officer on the day of the adoption.

(Ord. of 7-18-95, § 7)

**Editor's note**— Section 7 of an ordinance adopted July 18, 1995, amended § 6-16 to read as herein set out. Prior to such amendment, § 6-16 pertained to sterilization as a prerequisite to adoption and derived from § 12 of an ordinance adopted May 3, 1993.

Sec. 6-17. - Enforcement.

Any animal control officer shall be vested with police powers to enforce animal control ordinances and state laws and shall be authorized to issue tickets, summonses or other processes within the scope of their authority.

(Ord. of 5-3-93, § 13; Ord. of 6-29-07, § 6)

Sec. 6-18. - Penalties for violations.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00). If a violation continues, each day's violation shall be deemed a separate violation. If any person is found guilty by a court of violating section 6-7, 6-8, 6-9, 6-10, 6-11 or 6-12, his permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

(Ord. of 5-3-93, § 14)

Sec. 6-19. - Inoculation for dogs and cats required.

Every person in the city who owns or has in his possession or who keeps or harbors any dog or cat of the age of three (3) months or over within the limits of the city shall have and keep such dog or cat inoculated against rabies, as provided by state law and the rules and regulations prescribed and promulgated by the state board of health. It shall be unlawful for any person to own, possess, keep or harbor any dog or cat within the limits of the city unless such dog or cat has been so inoculated against rabies.

(Ord. of 7-18-95, § 8)

Sec. 6-20. - Tag required to be worn.

It shall be unlawful for any person who owns or has in his possession or under his control or who keeps or harbors any dog or cat within the limits of the city to keep or permit such dog or cat to be within the city unless and until the dog or cat bears a suitable metal tag approved by the state board of health, which may be braided to the collar or harness of the dog or cat, which tag shall have stamped on its the serial number of vaccination and the year in which the dog or cat was inoculated against rabies. The fact that any such dog or cat fails at any time to bear such tag shall be prima facie evidence that the owner of the dog or cat has failed to have it inoculated against rabies. Such dog or cat shall be taken up and impounded by any police officer or animal control officer of the city and such officer shall notify the county sheriff that he has impounded such dog, giving the sheriff a description of it.

(Ord. of 7-18-95, § 9)

Sec. 6-21. - Destruction of rabid dogs or cats at large.

If any dog or cat suffering with rabies or reasonably suspected of suffering with rabies is caused or permitted to be at large within the limits of the city, such dog or cat may be killed by any police officer or animal control officer of the city without such officer being required to catch or impound such dog or cat.

(Ord. of 7-18-95, § 10)

Sec. 6-22. - Confinement of dogs or cats suspected of having rabies.

If any dog or cat within the city shall at any time have rabies, or shall be suspected by the county health officer or his representative of having rabies, or shall have been exposed to rabies, such dog or cat shall be safely confined and in all respects dealt with in accordance with the directions of the county health officer.

(Ord. of 7-18-95, § 11)

Secs. 6-23—6-26. - Reserved.